

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3
4 TERRI PECHNER-JAMES
and SONIA FERNANDEZ,,

5 Plaintiffs,

6 VS. VOLUME III
C.A. NO. 03-12499-MLW

7
8 CITY OF REVERE; THOMAS
9 AMBROSINO, MAYOR; CITY OF
REVERE POLICE DEPARTMENT,
10 TERRENCE REARDON, CHIEF;
BERNARD FOSTER, SALVATORE
11 SANTORO, ROY COLANNINO,
FREDERICK ROLAND, THOMAS DOHERTY,
JOHN NELSON, JAMES RUSSO,
12 MICHAEL MURPHY, and STEVEN FORD,

13 Defendants.
14

15 CONTINUED DEPOSITION of SONIA FERNANDEZ taken
16 at the request of the plaintiff pursuant to Rule
17 30 of the Federal Rules of Civil Procedure before
18 Dawn J. Cormier Bourn, a notary public in and for
19 the Commonwealth of Massachusetts, on May 12,
20 2006, commencing at 10:43 A.M. at the offices of
21 Reardon, Joyce & Akerson, 397 Grove Street,
22 Worcester, Massachusetts.
23
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ORIGINAL

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8 AMBROSINO, MAYOR; CITY OF REVERE POLICE
9 DEPARTMENT, TERRENCE REARDON, CHIEF:

10 WALTER H. PORR, JR., ESQ., and
11 PAUL CAPIZZI, ESQ.
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14 Revere, Massachusetts 01251

15 FOR THE DEFENDANTS, BERNARD FOSTER, SALVATORE
16 SANTORO, ROY COLANNINO, FREDERICK ROLAND,
17 THOMAS DOHERTY, JOHN NELSON, JAMES RUSSO,
18 MICHAEL MURPHY AND STEVEN FORD:

19 MICHAEL AKERSON, ESQ., and
20 JOHN K. VIGLIOTTI, ESQ.
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I N D E X

DEPONENT: SONIA FERNANDEZ

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1 SONIA FERNANDEZ, PREVIOUSLY SWORN.

2 - - - - -

3 FURTHER EXAMINATION BY MR. PORR:

4 Q. Good morning, Ms. Fernandez.

5 A. Good morning, Mr. Porr.

6 Q. All right. Before we get started on
7 your deposition, I want to just cover a few
8 things.

9 First off, you realize that you were
10 placed under oath when the deposition process
11 started and you're still under oath today?

12 A. Yes.

13 Q. Okay. And that oath obligates you to
14 answer my questions truthfully. You understand
15 that?

16 A. Yes, sir.

17 Q. All right. Madam reporter is taking
18 everything down. You seem to be soft-spoken. It
19 might be helpful if you kept your voice up, make
20 it easier for her; all right?

21 A. I'm sorry. I thought I was talking
22 loud because of the hearing aids.

23 Okay. Is this better? Can you hear
24 me?

1 Q. And obviously you passed?

2 A. Yes, I did.

3 Q. Let me show you what's been marked as
4 Exhibit 4 to your prior deposition and again just
5 ask you to quickly take a look at that, and when
6 you have, look up.

7 A. (Pause in testimony while reviewing
8 document.)

9 Q. The Exhibit 4 that I put in front of
10 you --

11 (Recess taken from 11:28 a.m. to
12 11:31 a.m.)

13 Q. Back on the record.

14 You've now had a chance to look at
15 Exhibit 4; correct?

16 A. Correct.

17 Q. And you recognize that as the
18 complaint you filed with the Massachusetts
19 Commission Against Discrimination?

20 A. Correct.

21 Q. Is the letter issue that we've just
22 been discussing, event, call it what you will, is
23 that listed in the MCAD complaint?

24 A. I don't think so.

1 Q. Not anymore. I just wonder why anyone
2 would move to El Monte.

3 A. It was beautiful there.

4 MR. DILDAY: Off the record.

5 (Discussion held off the record.)

6 Q. What I'm looking for is sort of
7 painting a general picture here, not tons and
8 tons of detail, but when you moved to Essex
9 Street in Chelsea, you had your son and your
10 daughter with you at that time?

11 A. Yes.

12 Q. Has your son George Junior lived with
13 you since he was born?

14 A. Of course. He's my son.

15 Q. No, I understand that, but you and
16 George Senior split up?

17 A. Oh, yeah.

18 Q. And George Junior stayed with you as
19 opposed to going with George Senior?

20 A. Oh, he would never get my kids.

21 Q. I understand.

22 A. Sorry. There are good dads and then
23 there are okay dads and then there are no-good
24 dads.

1 was there for everybody, all three shifts.

2 Q. Perhaps more like a designated hitter,
3 I guess, to use another baseball analogy.

4 A. I was an extra body to put me wherever
5 somebody was out.

6 Q. So they needed a gap filler, and you
7 volunteered?

8 A. I didn't really want it, though.

9 Q. Okay. Fair enough. All right. So
10 let me -- all right.

11 MR. PORR: Mr. Dilday, I'm about ready
12 to shift back into the complaint and start
13 looking at some specific paragraphs. It's 12:30.
14 How do we feel about a lunch break?

15 MR. DILDAY: We might as well do it
16 now.

17 MR. PORR: All right. Take an hour.

18 (Lunch recess taken from 12:27 p.m. to
19 1:40 p.m.)

20 MR. PORR: Real quick, back on the
21 record.

22 Mr. Dilday, I've sent a couple letters
23 over about the interrogatories that you sent in
24 October, specifically October 25th of last year,

1 A. He called me a cockroach.

2 Q. I understand that, but that didn't
3 happen until sometime later?

4 A. True.

5 Q. Is the behavior of Lieutenant Ford
6 reflected in Paragraph 84?

7 A. Where are you?

8 Q. I'm looking at the first sentence of
9 Paragraph 84.

10 MR. DILDAY: Go ahead. Excuse me just
11 one second.

12 MR. PORR: We're going to take a
13 break.

14 (Recess taken from 3:12 p.m. to
15 3:22 p.m.)

16 Q. Okay. The question that I was dealing
17 with was the first paragraph, the first sentence
18 of Paragraph 84 talking about Lieutenant Ford's
19 comments in '96 and '97. Is that referenced in
20 your MCAD complaint? Is that included in your
21 MCAD complaint?

22 A. (Pause in testimony while reviewing
23 document.)

24 No.

1 police officer also?

2 A. No, no, no.

3 Q. She was outside of law enforcement?

4 A. Right. It was in the news. It's a
5 long time ago. I don't recall exactly what it
6 was.

7 (Recess taken from 4:22 p.m.

8 to 4:25 p.m.)

9 MR. PORR: You just mentioned you had
10 a very bad headache, and I don't want to be
11 asking you questions at a time where you feel
12 like, because of the headache and everything
13 else, you're just not able to give me good
14 answers. Do you follow?

15 THE WITNESS: Okay.

16 MR. PORR: It's not fair to you, and,
17 of course, the other problem is, if you give me
18 an answer that's inaccurate or somehow misleading
19 or whatever because you're not feeling well and
20 your head is bothering you and I think something
21 is, you know, I think something is true that's
22 not or I think something is whatever, it causes
23 some confusion.

24 So if you're at a point where you

1 don't feel you really could or should continue,
2 feel free to say that. We can deal with that.

3 MR. VIGLIOTTI: I didn't say anything.

4 THE WITNESS: You don't have to. I
5 can tell by looking at you.

6 MR. CAPIZZI: Is John giving you a
7 headache? You can tell us.

8 MR. DILDAY: Say how you feel.

9 THE WITNESS: Honestly, I really do
10 have a really bad headache. My back hurts and I
11 do have a real bad headache.

12 MR. VIGLIOTTI: My suggestion would
13 be, there's probably a half hour left, to tag it
14 on the other half day that's coming up.

15 MR. DILDAY: Yeah, why don't we do
16 that?

17 THE WITNESS: I didn't hear nothing.
18 Can you tell me? Because I can't hear him.

19 MR. PORR: I didn't quite understand
20 him either.

21 MR. DILDAY: Let's start at 12:30
22 then.

23 MR. PORR: We'll start at 12:30 then
24 on the 16th.

1 THE WITNESS: Yeah.

2 MR. PORR: 12:30 on the 16th.

3 THE WITNESS: I will be there.

4 MR. PORR: Fine. We will start at
5 12:30 on the 16th. That resolves it.

6 (Deposition suspended at 4:26 p.m.)

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